

# Petition for Exemption

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June 15, 2022

## 1. Exemption sought from: 14 CFR 121.436 (a)(3)

§ 121.436 Pilot Qualification: Certificates and experience requirements.

(a) No certificate holder may use nor may any pilot act as pilot in command of an aircraft (or as second in command of an aircraft in a flag or supplemental operation that requires three or more pilots) unless the pilot:

...

(3) If serving as pilot in command in part 121 operations, has 1,000 hours as second in command in operations under this part, pilot in command in operations under § 91.1053(a)(2)(i) of this chapter, pilot in command in operations under § 135.243(a)(1) of this chapter, or any combination thereof. For those pilots who are employed as pilot in command in part 121 operations on July 31, 2013, compliance with the requirements of this paragraph (a)(3) is not required.

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## 2. Specifics of Request:

I am seeking relief from 14 CFR 121.436(a)(3) by requesting to waive the requirement that the 1000 hours of flight experience be specifically obtained under 14 CFR Part 121, et al. I am requesting that the FAA recognizes my **1008 hours** of Second in Command (SIC) time under the Canadian Aviation Regulations (CARs) Part VII subpart 5 and my **479 hours** of SIC time under the Canadian Aviation Regulations (CARs) Part VII subpart 4 for a total of **1487 (SIC) part 121 equivalent qualifying hours** as sufficient to meet the requirements of 14 CFR 121.436(a)(3). If these hours were obtained under a FAA operating Certificate they would have counted towards 14 CFR 121.436(a)(3) as detailed below:

I am a Canadian ATP and FAA ATP rated pilot with type rating on the DHC-8 and BE-1900 aircraft. I have over 2200 flight hours with 1487 (SIC) hours under the CARs Part VII subparts 4, and 5 with both WestJet Encore and EVAS Air "operated as Air Canada Express" as outline in my attached logbook. For both companies I was second in command operating a scheduled air service. Both of these operators, if operating in the USA would meet the definition of a Schedule Air Carrier and would fall under the jurisdiction of 14 CFR Part 121.

**CARs Part VII subpart 4 (704) in its definition is comparable to 14 CFR Part 121 experience when operated as a scheduled air service and is defined as:**

Subpart 4 — Commuter Operations

**704.01** This Subpart applies in respect of the operation by a Canadian air operator, in an air transport service or in aerial work involving sightseeing operations, of any of the following aircraft:

- (a) a multi-engined aeroplane that has a MCTOW of 8 618 kg (19,000 pounds) or less and a seating configuration, excluding pilot seats, of 10 to 19 inclusive;
- (b) a turbo-jet-powered aeroplane that has a maximum zero fuel weight of 22 680 kg (50,000 pounds) or less and for which a Canadian type certificate has been issued authorizing the transport of not more than 19 passengers;
- (b.1) a multi-engined helicopter with a seating configuration, excluding pilot seats, of 10 to 19 inclusive, unless it is certified for operation with one pilot and operated under VFR; and
- (c) any aircraft that is authorized by the Minister to be operated under this Subpart.

**and CARs Part VII subpart 5 in its definition is comparable to 14 CFR Part 121 experience and is defined as:**

## Subpart 5 — Airline Operations

**705.01** This Subpart applies in respect of the operation by a Canadian air operator, in an air transport service or in aerial work involving sightseeing operations, of any of the following aircraft:

- (a) an aeroplane, other than an aeroplane authorized to operate under Subpart 4, that has a MCTOW of more than 8 618 kg (19,000 pounds) or for which a Canadian type certificate has been issued authorizing the transport of 20 or more passengers;
- (b) a helicopter that has a seating configuration, excluding pilot seats, of 20 or more; or
- (c) any aircraft that is authorized by the Minister to be operated under this Subpart.

Canada and the US share such similar Air Regulations and airspace and industries so intertwined that indeed they are the only two countries that have a bi-lateral agreement for the exchange of ATP licences. This demonstrates the compatibility specifically of the training as the source of AC 61-135A was a comprehensive comparison between the training and regulatory framework of the two countries.

### 3. In relation to Safety:

I believe that you will find that I have the requisite experience to fulfill the spirit and intent of 14 CFR 121.436 (a) (3). I believe there would be no danger to public safety in granting this exemption as I believe the intent of the regulation is to ensure that the pilot in question has obtained requisite experience in transport category aircraft including the operation of a transport category aircraft, crew resource management, emergency management and all other associated training. I have conducted several training events on a semi-annual basis in all of these requisite competencies without any negative results, failures, etc. I have attached my training records and check ride evaluations to this request as evidence I have satisfied training without incident. Many US based pilots conduct their check rides at Canadian Facilities, and likewise many Canadian Pilots conduct their check rides at US based facilities. This coupled with The FAA and Transport Canada having analyzed the training of the ATP programs in each country and deemed them equivalent enough to allow conversion of a ATP Certificate shows there is an equivalency of safety between the two countries test and operating standards.

I have operated frequently as SIC of a transport category aircraft in United States Airspace while employed WestJet Encore as demonstrated in my logbook with over 30 different landings at US airports in a 18 month period as well as dozens of overflights. This will serve to further mitigate any safety concerns as I am familiar with the minor differences between the operating environments in each country.

### 4. Public interest case for why this exemption should be granted:

There is substantial news of pilot shortages in every sector of the aviation market necessitating the cancellation of routes, grounding of aircraft, etc. The pilot shortage has hit such a pinnacle that regional airlines themselves have petitioned the FAA for exemptions from 14 CFR 121.436(b) for hiring pilots with less than 1500 hours. Worse than the SIC shortage is the Pilot in Command (PIC) shortage, as a result most regional airlines are offering incentives for any pilot with qualifying Part 121 time in an effort to fill this gap to keep planes in the air.

My ability to gain employment as a direct entry Captain, although may be insignificant as a singular event in the scheme of the entire aviation industry, will be significant to the small communities where I will be operating where they would not have had service if that captain seat is left vacant. Historically the most undeserved communities are cut first from the schedule, so every Captain that a regional can employ is key to keeping services to small communities. This request is only necessary to serve small communities, as the larger airlines do not have direct entry captain positions, and as such I would be able to log the 1000 hours under Part 121 while waiting for an upgrade.

### 5. Summary for the Federal Registrar

An exemption is sought for 14 CFR 121.436(a)(3), specifically that second in command flight hours in a scheduled air service under the Canadian Aviation Regulation Part VII, subparts 5 and 4 be recognized as equivalent to second in command hours under 14 CFR Part 121.

### 6. In Summary

I pray that you grant an exemption from 14 CFR 121.436(a)(3) as requested. I feel I have outlines why there is not danger to safety as my flight hours are equivalent in nature to those required and that it will benefit the public to assist in reducing the pilot shortage.

Sincerely,

Chris Morris